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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 August 1997, at 10 a.m.

Chairman: Mr. BENGOA

later: Mr. PARK (Vice-Chairman)

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GE.97-13242 (E)

The meeting was called to order at 10.20 a.m.

ADOPTION OF THE AGENDA (item 1 (b) of the provisional agenda) (continued) (E/CN.4/Sub.2/1997/1 and Add.1)

1. The CHAIRMAN drew attention to the revised draft provisional agenda now before the Sub-Commission. Sub-items had been added to items 4, 7 and 11; the wording of other items had been changed; and an item 10 bis had been created, in order to prevent confusion regarding documents already issued under items 11 and 12. Most of the previous day's suggestions had been incorporated.

2. Mrs. PALLEY suggested editorial revisions to items 5 (b), 8 and 11 (b) (i).

3. Mr. ALFONSO MARTÍNEZ approved of the revised draft agenda except in two respects. Firstly, the wording of item 10 (b) - "Prevention of population displacements" - was too restrictive. He would prefer to revert to the more comprehensive "Population displacements", which would include prevention. Secondly, in item 11 (a) (i) the "restoration" of human rights introduced a new element; in the past the Sub-Commission had deliberately avoided referring to anything other than the promotion and protection of human rights.

4. Mr. JOINET supported Mr. Alfonso Martínez's position on item 10 (b); an alternative wording could be "Human rights and population displacements". As for "restoration" in item 11 (a) (i), that implied that human rights had existed previously, which was not always the case. He would be inclined to delete "restoration". The suggested item 4 (d) was superfluous at a time of economic stringency and given that the United Nations Educational, Scientific and Cultural Organization (UNESCO) dealt with the issue on a daily basis. The introduction of item 11 (b) (iv) - "Gross and massive violations of human rights as an international crime" - raised a number of questions. Should the report submitted by Mr. Chernichenko (E/CN.4/Sub.2/1997/29), issued under item 11 (c) of the provisional agenda, not in fact be better considered under item 9? Indeed, there was a case for introducing an item 9 (c) with a title such as "Topical studies", under which Mr. Chernichenko's document and other forthcoming studies could be considered. In that connection, he wondered whether the provisional agenda, as revised, was to become a permanent structural agenda, as in the past, or whether the suggested changes were to apply only to the current session.

5. Mrs. DAES supported the suggestion that item 10 (b) should become "Human rights and population displacements" and that item 11 (b) (iv) should become item 9 (c). She welcomed the introduction of item 11 (c) - "The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights" - but considered its importance to be such that it should become item 11 (a). As for the word "restoration" in item 11 (a) (i), it had appeared for over 10 years in the Sub-Commission's agenda and should be retained. Lastly, she believed that insufficient time had been allotted to the long list of sub-items under item 11. They should be allocated three meetings, not two.

6. Mrs. GWANMESIA said that there was some overlapping that could be eliminated with rewording. The two parts of item 9 (b), for example, were tautologous: the judicial protection of children could not be considered separately from the whole question of the arrest, custody, bail and trial of children. Item 11 (b) (iv) was superfluous, since the question of "gross and massive violations of human rights" was provided for under Economic and Social Council resolution 1503 (XLVIII) in item 12.

7. Mr. CHERNICHENKO fully supported the view of Mr. Joinet and Mrs. Daes that item 11 (b) (iv) should become item 9 (c). He believed that the draft declaration on the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime prepared by him (E/CN.4/Sub.2/1997/29) would most suitably be considered by the Working Group on the Administration of Justice and the Question of Compensation.

8. Mr. EIDE said that he agreed with most of the suggested changes to the revised draft provisional agenda, though he pointed out that sub-items need be in place only for the current session. He was glad that item 8 had been made more restrictive by the addition of the word "against". Item 4 (d), however, should be retained: UNESCO's work concerned education, not the right to education, which was at particular risk from the introduction of structural adjustment programmes in many countries. He was also in favour of keeping the word "restoration" in item 11 (a) (i): it could be crucial in countries emerging from a long period in a state of emergency, for example.

9. Mr. FAN Guoxiang, said that he had strong reservations regarding the word "restoration" in item 11 (a) (i); promotion, respect and protection were the terms normally used in human rights documents, while "resoration" was a new term and should be deleted. On item 11 (b) (i), he noted that in the past the reference had been to "humanitarian interventions" rather than "humanitarian activities". He wondered what the difference was and also whether it was helpful to make a distinction between human rights and the concept of "humanitarian" activities.

10. Mr. ALFONSO MARTÍNEZ, referring to the comments made by Mrs. Daes and Mr. Eide on item 11 (a) (i) of the revised provisional agenda, said that it might well be true that the term "restoration" had been used in the past, however, terms inevitably acquired new dimensions with changing circumstances. When the Sub-Commission had spoken in the past of "restoration", the international community had not yet envisaged the possibility of using armed force to restore human rights and the democratic process, as had happened recently, in Somalia and Haiti for example. He had in any case not proposed deleting the term, but supported Mr. Joinet's suggestion that it might be better to delete it so as to avoid the problems to which its inclusion might lead. If all other members wished to retain the term, however, he would not insist on its deletion. He also thought that if the Sub-Commission was to adopt its draft agenda year by year, the main agenda items, which were very broad in scope, should be retained, with only the sub-items changed in response to the differing needs of each session.

11. Mrs. WARZAZI said that the concerns of Mr. Alfonso Martínez and Mr. Fan Guoxiang could perhaps be addressed by incorporating the words "and peaceful means of restoration of human rights" into agenda item 11 (a) (i).

12. Mr. ALFONSO MARTÍNEZ said that a further acceptable solution would be to entitle the sub-item "Promotion, protection and full realization of human rights at national, regional and international levels".

13. Mr. JOINET said that he had not sought the deletion of the term "restoration" - which, incidentally, had particularly reactionary connotations in French history. He had merely wished to point out that its inclusion could lead to problems. In the interests of consensus, he was willing to go along with the views of Mrs. Daes and Mr. Eide.

14. Mr. EL-HAJJÉ said that bilateral discussions in plenary disrupted the work of the Sub-Commission and never led to any tangible results. It was a waste of time for members endlessly to reiterate their positions.

15. On the question of education, he said that the latest annual report of UNESCO submitted to the Economic and Social Council showed that the number of children educated was increasing, as was the share of each country's budget devoted to education. The view that realization of the right to education should be retained on the agenda could not be justified, since a major agency already dealt with the issue.

16. Mr. FAN Guoxiang said that he would not insist on the deletion of the word "restoration". He also asked for clarification of the meaning of the expression "implications of humanitarian activities" in item 11 (b) (i) of the revised provisional agenda.

17. Mr. BOSSUYT (Rapporteur) said that, as already explained, the previous year's agenda had contained an item, agenda item 19, entitled "Implications of humanitarian activities for the enjoyment of human rights". That item no longer appeared in the draft agenda, although no decision had been taken to delete it. It should therefore be restored to the agenda. If any member believed it to be superfluous, he or she would be able to submit a draft resolution to that effect in the course of the current session. His own view was that humanitarian activities had important implications for the enjoyment of human rights, that the item should therefore be retained on the agenda, and that the most appropriate context in which to consider it was under agenda item 11 (b).

18. Mr. GUISSÉ said that at the previous session, although some members had felt that it was necessary to define further the content of the concept of humanitarian assistance, the item had nevertheless been retained on the agenda. He therefore supported Mr. Bossuyt's suggestion that it should be studied in greater detail.

19. As for the topic of education, although UNESCO dealt with education, and had explained its content and defined it, in his view it was for the Sub-Commission to discuss, in collaboration with UNESCO, the legal framework in which the right to education should be exercised. There was thus no reason

why the right to education should not be retained on the agenda. As for the concept of "restoration", consensus might perhaps be achieved if the term was replaced by the term "re-establishment", the one most commonly used in the United Nations system.

20. Mrs. FORERO UCROS said she agreed with Mr. Guissé that "re-establishment" was a more appropriate term to denote the revitalization of human rights after a period during which they had been suspended. On item 11 (b) (i), she asked whether the reference therein was to the study prepared by Mrs. Palley on the subject.

21. Mr. BOSSUYT (Rapporteur) said that the object of the current exercise was to establish the Sub-Commission's agenda. The content of individual items should be discussed later in the session as each item came to be considered.

22. The CHAIRMAN said that the concept of "restoration" and the right to education seemed to be the only two problems that remained unresolved. If there was no formal objection, those two problems could perhaps be resolved in informal consultations, and the remainder of the revised provisional agenda could be adopted by consensus.

23. Mr. MEHEDI, referring to the right to education, proposed that, as a compromise, item 4 (d) of the provisional agenda should refer to "education in human rights", rather than to a "right to education" which was already well known and with which UNESCO was arguably better equipped than the Sub-Commission to deal.

24. Mr. ALI KHAN said that he favoured the retention of the term "restoration" in item 11 (a) (i), as it implied the giving back of a right initially possessed but subsequently lost.

25. He was not in favour of curtailing the current debate in the interests of achieving consensus. Such discussion constituted an important exercise, for members might have serious reservations on certain points. He himself, for example, was perplexed by item 11 (b) (i), which he found, to say the least, delightfully vague. How was the Sub-Commission to discuss those implications, what were the parameters, and what, indeed, were the "activities" referred to? The sub-item should either be reworded or deleted altogether.

26. Mr. ALFONSO MARTÍNEZ said that if the term "full realization" was not acceptable, he was ready to accept the wording of item 11 (a) (i) of the provisional agenda as revised by the officers. Regarding item 4 (d), the right to education was a much broader concept than the one proposed by Mr. Mehedi. He for one was not prepared to dispense with any human right set forth in the International Bill of Human Rights as a possible theme for the Sub-Commission's work. The fact that a particular right was dealt with by UNESCO or other specialized bodies did not prevent the Sub-Commission from taking it up. Finally, with regard to item 10 (b), he had noted the support for his proposal to retain the original title, namely, "Population displacements", and it was his understanding that that proposal would form part of the consensus reached.

27. Mrs. GWANMESIA said that it would greatly benefit the Sub-Commission's work if item 9, which dealt with two categories of detainees, namely, adult detainees and detained juveniles, were divided into four sub-items. Sub-item (a) would deal with the question of human rights and states of emergency; sub-item (b) would deal with detained juveniles; further to Mr. Joinet's proposal, sub-item (c) would deal with gross and massive violations of human rights as an international crime (the present item 11 (b) (iv)); and sub-item (d) would deal with juvenile justice.

28. The CHAIRMAN noted that there appeared to be general support for Mrs. Gwanmesia's proposal.

29. Mr. MAXIM said that it had been clearly understood at the meeting of the officers that the right to education would encompass education in the field of human rights; that subject was clearly worthy of discussion. He fully endorsed the Rapporteur's comments on the most appropriate time to discuss the content of agenda items.

30. Mr. WEISSBRODT said that he had consulted with two of the members most concerned about the question of the right to education, who had agreed to accept the wording "the right to education including the right to human rights education" as a compromise solution. He trusted that the debate could now be closed, even if the provisional agenda to be adopted remained imperfect.

31. The CHAIRMAN said that the formulation proposed for agenda item 4 (d) was a good one. The officers would take note of the consensus reached on individual items.

32. The provisional agenda, as revised by the officers and as further amended, was adopted.

METHODS OF WORK OF THE SUB-COMMISSION (agenda item 1 (c))
(E/CN.4/Sub.2/1997/2, 3 and 33; E/CN.4/Sub.2/1997/OD.2)

Organization of work

33. The CHAIRMAN drew members' attention to the draft timetable for consideration of agenda items, proposed by the officers and contained in document E/CN.4/Sub.2/1997/OD.2. There was one amendment to that timetable: at Mrs. Daes' suggestion, the afternoon of 21 August would be devoted to consideration of agenda items 9, 10 and 10 bis, and the morning of 22 August to consideration of items 10, 10 bis and 11.

34. He drew attention to the speaking time per item allowed to various participants: members and special rapporteurs would have up to 20 minutes, government observers 20 minutes (with an extra 5 minutes before a vote concerning their country, 5 minutes for a first right of reply and 3 minutes for a second), representatives of non-governmental organizations (NGOs) 10 minutes (or 16 minutes in the case of joint statements), and international organizations, specialized agencies and national liberation movements 10 minutes.

35. The draft timetable in document E/CN.4/Sub.2/1997/OD.2, as orally amended, was adopted.

Statement by the Chairman of the Commission on Human Rights

36. Mr. SOMOL (Chairman of the Commission on Human Rights) said that the Commission had invited him, in paragraph 9 of resolution 1997/22, to inform the Sub-Commission of the debate at the Commission's fifty-third session on the Sub-Commission's work, which had led to the adoption by consensus of four resolutions and two decisions.

37. The Commission had noted that recent changes in the Sub-Commission stemmed not only from internal developments but also from changes in other relevant human rights bodies and had stressed the need for further, more far-reaching reform in the Sub-Commission's working methods. While a good deal of constructive criticism had been voiced, some members had questioned the Sub-Commission's usefulness and the need for its continued existence, particularly in view of perceived duplication with the work of other United Nations human rights bodies. Much more had been said in his consultations with delegations than in official statements. In that connection, he noted that the Commission was itself discussing reform of its working methods in time for the next session.

38. In response to the statement by the previous Chairman of the Sub-Commission that the experts had little time to discuss substantive issues, some delegations had expressed the belief that such a situation led to politicization of the Sub-Commission's work, while others had attributed politicization to the discussion of too many country-oriented issues and proposed a substantial reduction in their number. Some had gone so far as to suggest that the Sub-Commission should not deal with country situations at all except under the 1503 procedure. The time saved could be used to discuss more pressing thematic issues. It was felt in that connection that the Sub-Commission's sessions should be shortened rather than extended.

39. Many delegations had welcomed the steps taken by the Sub-Commission to rationalize its work and reform its agenda, for example by taking no action on human rights situations that were already being considered by the Commission and by proposing no major new studies or reports. The Commission expected a great deal from the debate at the current session of the Sub-Commission on the working paper concerning methods of work (E/CN.4/Sub.2/1997/3) and would follow closely any further moves towards reform, which it viewed as a priority for the Sub-Commission.

40. There was no desire in the Commission to change the mandate of the Sub-Commission. The reform process should enable it to resume its role as an indispensable "think-tank" for the Commission, particularly by providing recommendations based on the views of independent experts and by carrying out expert studies. Commission resolution 1997/22 also requested the Sub-Commission to focus strictly on questions relating to human rights in accordance with its mandate. The Sub-Commission should give particular attention to the process of selection of studies, seeking to serve the needs

of the international community in the field of human rights. He agreed with the former Chairman of the Sub-Commission on the usefulness of closer contact with other human rights bodies in the United Nations system.

41. The Sub-Commission's key asset lay in its diversity of views and its capacity to bring true expertise and multicultural wisdom to bear on existing human rights problems, avoiding politicized statements on country situations and preserving its independence and impartiality. The value of expert studies depended on absence of doubt regarding the impartiality of the expert concerned.

42. The Commission had urged the Sub-Commission to facilitate participation by NGOs in its work. NGOs played a valuable role as suppliers of information and both the Commission and the Sub-Commission should discuss with them new possibilities for cooperation that would make the flow of information more effective and less time-consuming.

43. He trusted that the Sub-Commission's report to the Commission at its fifty-fourth session would follow the main trends of the previous report and reflect action on the Commission's recommendations.

44. Mr. MAXIM said that he had attended the fifty-third session of the Commission, which had been difficult and complex, and could therefore wholeheartedly commend the Chairman's efforts to ensure its success.

45. The Sub-Commission appreciated the advice offered and the pertinent views expressed during the debate on its work. It was fully aware of the need to improve its activities and programmes and also of its role as a body of independent experts working to promote the cause of human rights. The working group on methods of work would look closely at the Commission's recommendations and the Commission could rely on the Sub-Commission's cooperation in fulfilling its mandate which had been reaffirmed by the Member States.

46. Mr. JOINET said that when he heard the word politicization he imagined himself transported back to the cold war era. For decades the Sub-Commission had ignored appalling human rights situations in eastern European countries and the Commission's sole comment in 1974 on the Sub-Commission's work had been to take note of its report. The Commission had only begun to show an interest when the Sub-Commission had moved from thematic to geographical issues. He had the impression that certain States wished to revert to the previous situation because of their fear of politicization. He conceded that moderation was necessary and that polemics were unproductive but if the Sub-Commission was being asked to return to the 1970s, it might as well be disbanded.

47. Commission resolution 1997/22 requested the Sub-Commission to improve further its independence and impartiality and at the same time called on States to nominate independent experts as members and alternates. He wondered what the Commission meant by the term independent expert.

48. Mrs. PALLEY said that she had been one of the most ardent advocates of reform some years previously but the Commission's attitude reminded her of the super-Power which had accused the last Secretary-General of not doing enough to reform the United Nations, whereas he had done an enormous amount. The Sub-Commission had also worked hard on reform but could not be expected to drop all its other work and make radical changes overnight.

49. She was gratified to note that the Commission did not intend to change the Sub-Commission's mandate. However, she wondered what was meant in paragraph 3 (b) of resolution 1997/22 concerning country situations by limitation "to exceptional cases in which new and particularly grave circumstances arise".

50. She also asked for clarification of the request to the Sub-Commission in paragraph 3 (h) to focus strictly on questions relating to human rights in accordance with its mandate. What was meant by a narrow or strict definition of human rights?

51. Mrs. WARZAZI said she was also somewhat puzzled by the criticism of the delegations to the Commission. The Sub-Commission had decided to reduce the number of its resolutions to avoid duplication with the Commission and was doing its utmost to cooperate. But a delegation's view of impartiality was often determined by its position on certain issues and it was impossible to satisfy everyone.

52. There seemed to be a contradiction between paragraph 8 of Commission resolution 1997/22, which referred to requests by the Sub-Commission to the Secretary-General to solicit information from NGOs, and paragraph 3, which urged the Sub-Commission to facilitate the participation of NGOs in its work. She saw no need for the Secretary-General to act as intermediary.

53. She felt that the Commission had every reason to show indulgence towards the Sub-Commission in view of the fact that Commission resolution 1997/126 deferred consideration of its own reform process until the next session.

54. Mr. EIDE noted that both the Commission and the Sub-Commission were faced with the intractable problem of meeting growing demands with diminishing resources.

55. On the question of politicization, it was part of the Sub-Commission's mandate to draw attention to situations of gross violation of human rights. It was difficult but not impossible to do so without adopting a political stance. The effectiveness of such action depended on the approach adopted on how it was perceived by the countries concerned. Countries whose initial reaction had been angry were often pleased with the long-term impact. Guatemala was a case in point. In that connection, he urged NGOs to temper their criticism with reasonable and realistic suggestions as to how situations might be remedied.

56. Mrs. DAES said that, in her view, the Commission was duplicating the work of the Sub-Commission in certain areas, taking up items and repeating resolutions that had originated with the Sub-Commission.

57. She agreed with the comments of Mr. Joinet and Mr. Eide on politicization.

58. The Sub-Commission had encouraged cooperation with other human rights bodies, particularly the Committee on the Elimination of Racial Discrimination. She observed, however, that the Chairman was never invited to attend meetings at the Centre for Human Rights of persons chairing the human rights treaty bodies.

59. She suggested that the reform process should be discussed jointly by representatives of the Commission and the officers of the Sub-Commission.

60. Mr. SOMOL (Chairman of the Commission on Human Rights) said that many concerns, particularly regarding the efficiency of working methods, were shared by the Commission and the Sub-Commission. Politicization was a topic discussed both at the Commission's public meetings and in the informal group of friends of the Chair. It was virtually impossible to remove the political dimension from discussions of country situations, but participants should at least try to practise self-control and to make reasonable suggestions. The Commission was not trying to lord it over the Sub-Commission, but sometimes outside intervention provided welcome impetus to the process of rationalization. He also welcomed the advice given by other United Nations bodies such as the General Assembly and the Economic and Social Council on the reform and rationalization of the Commission's work.

61. At a later stage he would reply in detail to the specific questions asked by the experts.

62. Mr. Park took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1997/4 and 5)

63. Mr. FAN Guoxiang said that the rights and duties of human beings were discussed in terms of their social attributes. Human rights, as basic components of the superstructure of a society, could only be protected by a controlling authority that upheld the rule of law. History had shown that the personal wisdom, humanism or humanitarianism of individual rulers and officials were unable to assure and protect human rights as effectively as the rule of law. The rights of members of a community could only be secured through the law. The affirmation and protection of the freedom, property and safety of individuals had emerged as major elements of natural laws, but, at the same time, the rights and interests of individuals had to be balanced against their duties and the interests of the nation as a whole. Various legal systems to maintain that balance had evolved in different parts of the world.

64. In China, Deng Hsiaoping's basic theory attached great importance to the rule of law which in turn guaranteed the protection of democracy. Democracy had to be institutionalized in a legal system which would remain valid,

irrespective of any change of leadership and nationwide education was needed to enable the laws to be well understood by the whole people and implemented strictly and fairly.

65. As a human rights expert, he was of the view that a legal system must be comprehensive and reflect the will of the people and the requirements of social progress. The people would be the master of the nation, legally entrusted with electing trustworthy leaders and with the creation of a just and stable society in which their fundamental rights and freedoms were guaranteed and their duties clearly defined. Legislative bodies would oversee law enforcement and courts would be independent and objective in protecting the rights of all citizens. State power, without which no human rights could be protected, must be monitored and regulated by law in order to prevent abuses.

66. A State was entitled to enforce its controlling authority in its territory, but no big Power had the authority to impose its internal law on the rest of the world on the pretext of protecting universal human rights. No resolution adopted in the legislative body of a single State had any competence whatever beyond that State's boundary; neither could it be accepted as a supra-national legal instrument. However, when a sovereign State became party to international conventions or treaties, it was duty bound to fulfil its obligations under those instruments. He urged all member States to commit themselves to the principle of the rule of law in the promotion of human rights.

67. Mr. CHOEPHEL (Society for Threatened Peoples), recalling Sub-Commission resolution 1991/10, called attention to the deteriorating situation of human rights and fundamental freedoms in Tibet. In the years since that resolution had been passed, there had been ample evidence to show that the Chinese authorities had committed an institutionalized policy of systematic and gross violations of the human rights of the Tibetan people. Photographs of the Dalai Lama, their spiritual leader, were banned and China's disregard of the traditional religious authority of Tibetan Buddhism had resulted in the incommunicado detention of the eight-year-old Gedhun Choekyi Nyima, the eleventh Panchen Lama. It was estimated by human rights organizations that the Chinese authorities today held over 1,000 political prisoners, including 50 juveniles. Last year three political prisoners had died in custody after routine acts of torture or physical abuse. No investigation had been carried out into the circumstance of their deaths. Official Chinese figures showed that 98 Tibetans had been imprisoned in 1996 for exercising their political rights; three more had been sent to unidentified prisons in 1997 for their support of the Panchen Lama. United Nations special rapporteurs had expressed concern about the human rights situation in Tibet in their reports to the fifty-third session of the Commission on Human Rights and the Working Group on Enforced or Involuntary Disappearances, had called attention to the recent increase in the number of disappearances involving Tibetans.

68. As well as their civil and political rights, the economic, social and cultural rights of the Tibetan people were also being violated, as shown by the attempts by the Chinese authorities in recent years to create more

obstacles to the use of the Tibetan language in educational establishments. The official Chinese newspaper, Xizang Ribao, had recently reported that 526 monasteries had been destroyed in one area of Tibet alone in 1996. In the name of "modernization" more than half of the historic buildings in central Lhasa, including the seventeenth century Tromsikhang Palace, would be demolished in 1997.

69. The Tibetan national identity was being threatened by coerced birth control practices, including the forcible sterilization of Tibetan women, and the arrival of Chinese settlers; Tibetans were rapidly becoming a minority in their own homeland. Particularly in major towns, the social life of the Tibetans had been assaulted. More and more young Tibetans were unemployed, while Chinese settlers enjoyed existing economic opportunities.

70. His organization appealed to the Sub-Commission to consider paying more attention to the grave situation of human rights in Tibet. It called upon the Chinese authorities to take concrete measures to end all violations of human rights and to heed the long-standing call by the Dalai Lama to resolve the issue through negotiations.

71. Mr. LITTMAN (Association for World Education - AWE) said that to remain silent in a view of the act of genocide carried out a week earlier in Jerusalem by paradise-seeking killers and of the foiled massacre in New York would make everyone the accomplices of terrorism. He welcomed the moving words of sympathy and strong condemnation of the act by the Officer-in-Charge, High Commissioner for Human Rights/Centre for Human Rights. A statement on the Covenant of Hamas, which AWE had submitted to the Commission on Human Rights at its fifty-third session, had highlighted the genocidal goals of Hamas. AWE maintained that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the International Covenant on the Elimination of All Forms of Racial Discrimination were applicable. It also welcomed Sub-Commission resolution 1995/4, which had also supported action to prevent and suppress acts of genocide, including incitement to commit them.

72. The acronym Hamas meaning literally "zeal" "fanaticism" was an accurate description of its mode of operation and its Covenant should therefore be taken very seriously. Hamas was committed to jihad against the Jews until victory for Allah was secured. Rejecting international negotiations and peaceful settlements, article 13 of the Hamas programme stated that there was no solution to the Palestinian question save through jihad. Article 22 further stated that Jews had taken over the world media and financial centres and had inspired the establishment of the United Nations and the Security Council in order to rule the world by their intermediary. It was the same grotesque conspiracy myth that had led to the killing of 6 million Jews in Europe. The words of murderous hate in the Hamas manifesto were usurping authentic Islam, whose religious and secular leaders had condemned the crimes against religion being perpetrated by Islamist fanatics.

73. He called on the Sub-Commission to invoke the Convention on the Prevention and Punishment of the Crime of Genocide in response to the Hamas Charter and in that connection to adopt a modified version of its resolution 1995/4. He further called on the High Commissioner, in conjunction with the Committee on the Elimination of Racial Discrimination, to use all relevant United Nations machinery to take the action envisaged in resolution 1995/4.

The meeting rose at 1.15 p.m.